IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 24TH DECEMBER 2007 / 3RD POUSHA 1929

Bail Appl..No. 8013 of 2007()

(CRIME 22/2004 OF MATTANNUR EXCISE RANGE)

: PETITIONERS/ACCUSED NO.1 & 2(IN REMAND):
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1. GOPALAN P.P., S/O. KUNHIKANNAN,
AGED 47 YEARS, COOLIE, MANGALATHUVAYAL,
P.O. KOLARI, METTADY, MATTANNUR, KANNUR DISTRICT.

2. PURUSHU @ PURUSHOTHAMAN, S/O. BALAN,
AGED 34 YEARS, COOLIE, MANGALATHUVAYAL,
P.O. PORORA, MATTANNUR, KANNUR DISTRICT.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENT: RESPONDENT:

STATE - EXCISE OFFICER,
MATTANNUR, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. K.MOHANAN, J.

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Bail Application NO. 8013 of 2007

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Dated this the 24th day of December, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioners, who are the accused 1 and 2 in Crime No. 22 of 2004 of Mattannur Excise Range for offence punishable under 55(g) of the Abkari Act, seek their enlargement on bail. Petitioners were arrested during the crime stage and they were released on bail. As the petitioners were absent and failed to execute the bond, the Magistrate issued warrant against the petitioners. On 20-11-2007 the petitioners surrendered before the Magistrate.

2. I have heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. Having regard to the nature of the offences, the duration of judicial custody of the petitioners and the other circumstances of the case, I am inclined to grant bail to the petitioners. Accordingly, the petitioners shall be released on bail on their executing a bond for Rs. 10,000/- each with two solvent sureties each for the like amount to the satisfaction of the Judicial First Class Magistrate Court, Mattannur and subject to the following conditions:

1. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioners shall make themselves available for interrogation as and when required by the police till the filing of the final report.

3. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. The petitioners shall not commit any offence while on bail.

4. If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.K.MOHANAN, JUDGE.

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